

Resolution No. _____

RESOLUTION: To further extend and modify the moratorium established by Resolution No. 17-06, and extended and/or modified by Resolutions Nos. 10-07, 2-08, 4-08, and 9-08, on the filing of certain development related applications until the completion of a comprehensive review and analysis of the City's zoning and development regulations and the adoption of a revised Zoning Ordinance and Comprehensive Zoning Map Amendment.

WHEREAS, on November 13, 2006, the Mayor and Council adopted Resolution No. 17-06 establishing a moratorium on the filing of certain development related applications, requests, and petitions pursuant to the provisions of Chapter 25 (Zoning and Planning) of the Rockville City Code while the City undertook the process of comprehensively reviewing and revising its entire zoning ordinance; and

WHEREAS, said moratorium was implemented in stages with the final stage becoming effective on September 7, 2007; and

WHEREAS, on October 8, 2007, the Mayor and Council authorized the filing of a text amendment application to reflect the changes contained in the zoning review committee's (RORZOR) proposed new Zoning Ordinance and further authorized the filing of a Comprehensive Map Amendment Application to reflect the changes contained in the RORZOR proposed revised zoning map; and

WHEREAS, pursuant to Resolution No. 17-06 the moratorium was set to expire at the close of business on December 14, 2007, before a revised comprehensive Zoning Ordinance text amendment and Map Amendment could be adopted; and

WHEREAS, on October 8, 2007 the Mayor and Council adopted Resolution No. 10-07, extending the moratorium until close of business on June 30, 2008 or upon the adoption of an ordinance revising Chapter 25 of the Rockville City Code and adoption of a comprehensive map amendment, whichever date first occurs, and to except from the moratorium the recordation of Final Record Plans for certain one-family detached resident lots; and

WHEREAS, on February 4, 2008 and on April 14, 2008, the Mayor and Council determined that it was appropriate to exempt from the moratorium certain requests for variances from the setback and/or maximum lot coverage requirements for one-family detached residential lots, with certain limitations, and did on said dates adopt Resolution Nos. 2-08 and 4-08, respectively, so modifying the moratorium; and

WHEREAS, the Planning Commission forwarded its proposed changes to the Zoning Text Amendment and the Zoning Map Amendment to the Mayor and Council on May 21, 2008; and

WHEREAS, because the Mayor and Council was scheduled to hold public hearings and work sessions on the proposed Text Amendment and Map Amendment, final action on said amendments would not occur by the moratorium expiration date of June 30, 2008; and

WHEREAS, on June 16, 2008, the Mayor and Council determined that it was necessary and appropriate to further extend the moratorium to afford the Mayor and Council sufficient time to conduct public hearings and complete its review and evaluation of the proposed Text and Map Amendments and to also afford City staff a reasonable period of time after the Mayor and Council adopt the Zoning Text Amendment and Zoning Map Amendment to prepare necessary forms and otherwise prepare for implementing the revised zoning text and zoning map; and

WHEREAS, the Mayor and Council did further determine that it was appropriate to expand the exemptions from the moratorium to allow the filing and processing of certain applications for minor impact projects.

WHEREAS, on June 16, 2008 the Mayor and Council adopted Resolution 9-08 extending the moratorium until the close of business on September 30, 2008 and exempting from the moratorium certain applications pertaining to minor impact projects; and

WHEREAS, the Mayor and Council has conducted two public hearings and numerous worksessions on the proposed Text Amendment and Map Amendment and has received extensive public input and written comments on the proposed amendments;

WHEREAS, pursuant to the directions of the Mayor and Council, City staff did prepare a revised draft of the Zoning Text Amendment and Map Amendment reflecting the preliminary directions given by the Mayor and Council; and

WHEREAS, such revised draft was presented at the Mayor and Council meeting of September 8, 2008 and was the subject of a Mayor and Council worksession on September 11, 2008, at which worksession the Mayor and Council decided to re-open the public record and afford the public additional time to comment on the Text Amendment and Map Amendment as revised; and

WHEREAS, the Mayor and Council has determined that it is necessary and appropriate to further extend the moratorium so as to allow the Mayor and Council sufficient time to receive additional public input and comment and to hold additional worksessions on the proposed Text Amendment and Map Amendment, and to afford City staff sufficient time to prepare necessary

Resolution No. -08

-4-

forms and otherwise prepare for implementing the Zoning Text Amendment and Zoning Map Amendment, once adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that

1. The moratorium established by Resolution No. 17-06 adopted November 13, 2006, as fully implemented on September 7, 2007, and as extended and/or modified by Resolutions Nos. 10-07, 2-08, 4-08, and 9-08, is hereby extended until the close of business on December 31, 2008 or upon the effective date of the ordinances granting the Text Amendment Application and the Map Amendment Application, whichever date first occurs; and

2. If ordinances granting Text Amendment Application and Map Amendment Application are adopted prior to the close of business on December 31, 2008 with an effective date after the close of business on December 31, 2008, the moratorium then shall further automatically extend until such effective date; and

3. The moratorium established by Resolution No. 17-06, as modified and extended by Resolutions Nos. 10-07, 2-08, 4-08, and 9-08, and as further extended by this resolution, may be further extended or otherwise modified by further resolution of the Mayor and Council.

* * * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of September 22, 2008.

Claire F. Funkhouser, CMC, City Clerk